



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/965,426  
Applicant : Gary R. DelDuca *et al.*  
Filed : September 27, 2001  
Title : Modified Atmospheric Packages and Methods for Making the Same  
  
TC/A.U. : 1761  
Examiner : Robert A. Madsen  
  
Docket No. : 47097-01106USC1

THIRD INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§1.97 and 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 on the date indicated below:

10/7/2003

Date

Adrienne White

Dear Commissioner:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the reference(s) listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.98(d), copies of the listed references are enclosed.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability as defined in 37 C.F.R. §§ 1.56.

The present Information Disclosure Statement is being submitted after the mailing of the first Office Action reflecting an examination on the merits but before the mailing of a Final Rejection or Notice of Allowance. Accordingly, in accordance with 37 C.F.R. § 1.97(c), a fee of \$180 is included herewith. If this check is inadvertently not enclosed, or is in error in amount,

the Commissioner is authorized to charge any deficiency or to credit any over payment to Jenkens & Gilchrist Account No. 10-0447/47097-01106USC1.

Respectfully submitted,

October 7, 2003  
Date

  
John C. Gatz  
Reg. No. 41,774  
Jenkens & Gilchrist, P.C.  
225 West Washington Street, Suite 2600  
Chicago, IL 60606-3418  
(312) 425-3900

Attorneys for Applicants

Form PTO-1449 (modified)		Atty. Docket No. 47097-01106USC1	Serial No. 09/965,426
List of Patents and Publications for Applicant's <b>THIRD</b> <b>INFORMATION DISCLOSURE STATEMENT</b>		OCT 14 2003 U.S. PATENT & TRADEMARK OFFICE SJC9	
Page 1 of 1		Filing Date: September 27, 2001	Group: 1761



### U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
	A210	6,112,890	09/05/2000	Colombo			06/29/1999

### Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B7	1 935 566	07/18/1968	Germany			Abstract

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C17	PCT Written Opinion for International Application No. PCT/US02/23869 dated May 29, 2003 (6 pages)
	C18	21 U.S.C. § 121.1060 dated August 2, 1961 (2 pages)
	C19	21 U.S.C. § 121.1060 dated December 14, 1962 (1 page)
	C20	21 C.F.R. § 173.350 (April 1, 2003) (pages 142-143)
	C21	Memorandum of Conference between Mr. Donald W. Thomas, Legal Counsel of the Whirlpool Corporation and Mr. A.T Spiher, Jr., Food Additive Petitions Control Branch dated May 12, 1962 (1 page)
	C22	Correspondence to Mr. Alan T. Spiher, Jr. at the FDA from Whirlpool Corporation, dated July 23, 1962 (3 pages)
	C23	Notification of Claim for General Recognition of Safety of Carbon Monoxide In A Modified Atmosphere System for Packaging Fresh Meat submitted by Pactiv Corporation (Eric Greenberg) dated August 29, 2001 (250 pages)
	C24	Correspondence from the Department of Health & Human Services' Food and Drug Administration to Mr. Eric Greenberg Re: GRAS Notice dated February 25, 2002 (3 pages)

**EXAMINER:**

**DATE CONSIDERED:**

**EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.**

**INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)**